In the High Court of Punjab and Haryana, at Chandigarh.

1. **Civil Revision No.6089 of 2007**

Date of Decision: 27.11.2007

Sawinder Kaur and Others

…Petitioners

Versus

Jagir Singh and Others

…Respondents

AND

2. **Civil Revision No.6102 of 2007**

Sawinder Kaur and Others

…Petitioners.

Versus

Jagir Singh and Others

…Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Ranjit Saini, Advocate
for the petitioners.

RAJESH BINDAL, J.

This order of mine shall dispose of Civil Revision Nos. 6089 and 6102 of 2007 as common issues are involved therein. The challenge in these

petitions is to the order passed by learned Courts below on an application filed by the respondents/plaintiffs under Order 39 Rules 1 and 2 CPC, whereby learned Civil Judge (Junior Division), Amritsar, directed that the petitioners/defendants are restrained from dispossessing the respondents/plaintiffs from the suit property during the pendency of the suit, except in due course of law and a prayer for restraining the petitioners/defendants from alienating the suit land was not granted. However, learned lower Appellate Court modified the order passed by learned trial Court further by restraining the petitioners/defendants from alienating the suit land in any manner.

Learned counsel for the petitioners/defendants submitted that claim made in the suit is for declaration to the effect that respondents/plaintiffs have become lawful owner of suit property by way of adverse possession. He further submitted that the suit itself is not maintainable in view of the law laid down by this Court in ***Bhim Singh and Others v. Zile Singh and Others 2006(3) R.C.R. (Civil) 97.***

Keeping in view the contentions raised by learned counsel for the petitioners, without commenting upon the merits of the orders passed by learned Courts below on an application under Order 39 Rules 1 and 2 CPC, I deem it appropriate to direct learned trial Court to expedite hearing of the case and decide the same within six months from the date of receipt of copy of this order.

The petitions are disposed of accordingly.

(Rajesh Bindal)
Judge

November 27, 2007
"DK"